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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,121	01/19/2001	John Friedenfelds	2925-0474P	8113
30594	7590	12/01/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			PEREZ, JULIO R	
P.O. BOX 8910			ART UNIT	
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2681

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/764,121

Applicant(s)

FRIEDENFELDS ET AL.

Examiner

Julio R. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/19/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

1. Applicant's arguments filed 7/11/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the call from the second mobile station is not screened") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, the screening is performed entitled on the first received wireless call, the call, which has been determined to originate from a defined area and within a period of time (see col. 1-2, lines 63-67, 1-11; col. 5, lines 26-29). The wireless calls after the first originated call are not claimed to be screened. Moreover, the given period of time is inherent on the cited reference as all steps occurred within a certain period of time (see col. 1-2, lines 63-67, 1-11; col. 5, lines 26-29).

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-11, 14-18, 22-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz [hereinafter Boltz] (US pat. No. 6233445).

Regarding claim 1, Boltz discloses a method of performing a screening action on wireless calls, comprising: receiving a wireless call (col. 3, lines 42-45); determining if the wireless call originates and from a defined geographic area within a given period of time (col. 1-2, lines 63-67, 1-11; col. 4, lines 11-30; col. 5, lines 18-29); determining if the wireless call originates from a defined geographic area within a given period of time (col. 1-2, lines 63-67, 1-11; col. 4, lines 11-30; col. 5, lines 18-29, the PSAP has the capability to detect from which area the emergency call was originated after ascertaining that the call being from an accident location; Furthermore, col. 5, lines 26-29, read on “within a given period of time,” where the PSAP is able to control the amount of time for monitoring the calls); and screening the wireless call if determining step determines that the wireless call originates from the defined geographic area (col. 1-2, lines 63-67, 1-11; col. 4, lines 11-39; col. 5, lines 26-29, then from then on, or after some specified time, a second mobile station, which is located within the same area as the first mobile station originates another urgent call to the PSAP, from the area of the incident), wherein the determining and screening are initiated after a given number of wireless calls originating within a given threshold distance of one another are received (col. 1-2, lines 63-67, 1-11; col. 4, lines 11-51; col. 5, lines 26-29, the application device located within the PSAP determines that the calls are originated from the same location as previous calls, and, thus, determines that an accident has already been reported, and consequently takes the action of commanding an answering service to provide an

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announcement message to the second wireless phone informing the second wireless phone that an incident has already been reported from the same area, thus a call received from an area within a given threshold distance).

Boltz does not explicitly disclose "the" given period of time.

However, Boltz strongly suggests evaluating the calls made to the PSAP within a predetermined time (col. 1-2, lines 63-67, 1-11; col.4, lines 21-51; col. 5, lines 22-29; col. 6, lines 26-36; col.4, lines 21-51).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Boltz with mechanisms to provide evaluation of the call if the call is originated from the same event area where the same incident has occurred and that is located within a given time period following an immediate previous call for the purpose of avoiding the clutching of usage resources and superfluous or redundant emergency calls. For instance, the operator would order screening of calls for a period of one hour and stop and re-state the screening for a different period as the calls coming from the predetermined area and determined time are not going to continue for days, as the calls are coming from the same event area would need to cease as the emergency event is taken care of.

Regarding claim 3, Boltz discloses, further receiving instructions to initiate screening, said instructions indicating the defined area (col. 5, lines 22-29; Fig.1, the PSAP may control the commanding of the screening); and performing the determining and screening steps in response to the received instructions (col. 1-2, lines 63-67, 1-11; col. 4, lines 21-46; col. 5; Fig.1, lines 22-29, the PSAP has control over the time to be

generating the outgoing message when a calls is originated from a same location of an incident; thus, corresponding to instruct a module to provide screening within the same area of the incident).

Regarding claim 4, Boltz discloses, wherein the receiving a wireless call step receives an emergency call (col. 3, lines 42-45, the mobile station originates an emergency call); and the receiving instructions step receives instructions from a Public Safety Answering Point (col. 5, lines 22-29, the PSAP has the capability to control the examining of the calls coming into the PSAP through the APPL components, 220, 230. The message provided to callers from the same area of a reported incident are routed to a recording device, after being determined that such calls come from the same area as the previous emergency call; the message may be provided for a certain amount of time as controlled by the PSAP; thus corresponding to the screening of the amount calls coming from the same emergency call area).

Regarding claim 5, Boltz discloses, further receiving instructions to disable the determining and screening steps (col. 1-2, lines 63-67, 1-11; col. 5, lines 26-29, after determining a certain number of calls coming from the same incident area, is controlled by the PSAP for a period time decided by the PSAP and controlled by the PSAP otherwise).

Regarding claim 6, Boltz discloses, wherein the instructions further indicate a second period of time to perform screening; and the determining and screening steps are performed from the period of time (col. 1-2, lines 63-67, 1-11; col. 4, lines 11-51; col. 5, lines 18-29; Figs 3-4, the PSAP system has control of how to handle the examining of

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the calls thus providing the recording to the subsequent calls; Further, controlling when to stop the determining of the calls coming from the same area; In addition, the system determines a call from one mobile, for instance mobile 10A, at one instance and the call from another, for instance mobile 10B; thus, different instances of time therefore having passed by).

Regarding claims 7,10,17, Boltz discloses, wherein connecting the wireless call with an audio message (col. 4, lines 31-46; Fig. 1, an application within the system determines whether the calls after the first emergency calls are originated from the same area as the first emergency call, and consequently commanding a connection to an announcement machine to provide information to the caller that an incident has been reported from the same area).

Regarding claims 8, 11, Boltz discloses screening step, connecting the wireless call to a destination after a second period of time elapses from completion of the audio message (col. 4, lines 42-51, the callers subsequent to the first emergency call may interrupt their call or wait to be connected to an operator after hearing the voice message and decided to connect thereafter; thus, after a period of time, the call may be connected to a target).

Regarding claims 9, Boltz discloses receiving second instructions with a new defined area to use in the screening step (col. 4, lines 31-51; col. 5, lines 26-29; col. 6, lines 12-36, the time control and the threshold given for the number attempts are associated with the defined area in order to trigger examining of the calls connected from the defined area).

Regarding claim 14, Boltz discloses, wherein the given period of time varies depending on a location of origination for the number of wireless calls (col. 5, lines 26-29, the examining of the incoming after the reporting of an emergency is controlled by commands from the PSAP to control the answering with a voice message for an interval of time).

Regarding claim 15, Boltz discloses, the number of wireless calls varies depending on a location of origination for the given number of wireless calls (col. 4, lines 21-51; col. 6, lines 26-36, an application module related to the system may specify a threshold for the number of calls before the number of calls has reached the threshold).

Regarding claim 16, Boltz discloses, wherein the given threshold distance varies depending on a location of origination for the given number of wireless calls (col. 4, lines 31-42; col. 5, lines 22-25; col. 6, lines 26-36, the calls after the first call has been determined to come from an emergency area are examined to determine if the calls come from within the same emergency location or from approximately the same location).

Regarding claim 18, Boltz discloses, wherein the receiving a wireless call step receives an emergency call (col. 3, lines 42-45, the mobile station originates an emergency call).

Regarding claim 22, Boltz discloses, screening emergency wireless calls, comprising: receiving instructions from a Public Safety Answering Point (PSAP) operator to initiate screening of wireless calls in a defined area (col. 1-2, lines 63-67, 1-11; col. 5, lines 22-29, the PSAP has the capability to control the examining of the calls



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coming into the PSAP through the APPL components, 220, 230. The message provided to callers, which pertains to the screening that the call following an emergency call has come from the same incident area, of a reported incident, are routed to a recording device, thus after being determined that such calls come from the same area as the previous emergency call; the message may be provided for a certain amount of time as controlled by the PSAP; thus, indeed, corresponding to the screening of the amount calls coming from the same emergency call area); receiving an emergency wireless call (col. 1-2, lines 63-67, 1-11; col. 3, lines 42-45, the mobile station originates an emergency call); determining if the emergency wireless call originates from the defined area within a period of time (col. 4, lines 11-30; col. 5, lines 18-29, the PSAP has the capability to detect from which area the emergency call was originated after ascertaining that the call being from an accident location; Furthermore, col. 5, lines 26-29, read on "within a given period of time," where the PSAP is able to control the amount of time for monitoring the calls); and screening the emergency wireless call if the determining step determines that the emergency wireless call originates from the defined area (col. 4, lines 11-51, the application device located within the PSAP determines that the calls are originated from the same location as previous calls, and, thus, determines that an accident has already been reported, and consequently takes the action of commanding an answering service to provide an announcement message to the second wireless phone informing the second wireless phone that an incident has already been reported from the same area, thus a call received from an area within a given threshold distance).

Boltz does not explicitly disclose "the" period of time.

However, Boltz strongly suggests evaluating the calls made to the PSAP within a predetermined time (col. 1-2, lines 63-67, 1-11; col.4, lines 21-51; col. 5, lines 22-29; col. 6, lines 26-36; col.4, lines 21-51).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Boltz with mechanisms to provide evaluation of the call if the call is originated from the same event area where the same incident has occurred and that is located within a given time period following an immediate previous call for the purpose of avoiding the clutching of usage resources and superfluous or redundant emergency calls. For instance, the operator would order screening of calls for a period of one hour and stop and re-state the screening for a different period as the calls coming from the predetermined area and determined time are not going to continue for days, as the calls are coming from the same event area would need to cease as the emergency event is taken care of.

Regarding claim 23, Boltz discloses wherein the instructions from the PSAP operator specify the defined area (col. 5, lines 22-29; Fig.1, the PSAP may control the commanding of the screening).

Regarding claim 24, Boltz discloses, wherein the screening step comprises: connecting the emergency wireless call with an audio message (col. 4, lines 31-46; Fig. 1, an application within the system determines whether the calls after the first emergency calls are originated from the same area as the first emergency call, and

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consequently commanding a connection to an announcement machine to provide information to the caller that an incident has been reported from the same area).

Regarding claim 25, Boltz discloses, wherein the instructions from the PSAP operator specify at least a portion of the audio message (col. 4, lines 14-20 and lines 39-51, read on the claimed "specify at least a portion of the audio message," thus indicating the incident that occurred at the affected area).

Regarding claim 26, Boltz discloses performing a screening action on wireless calls, comprising: receiving a wireless call (col. 1-2, lines 63-67, 1-11; col. 3, lines 42-45, the mobile originates a phone call, which is received by the PSAP); receiving instructions including a given screening period and a threshold distance for determining a screening area in response to the wireless call (col. 1-2, lines 63-67, 1-11; col. 4, lines 31-51; col. 5, lines 18-25, the system is capable of commanding an announcement machine to provide a recording of the reported incident when determining that the second and subsequent wireless calls are originated from the same or approximately same area of the incident and has the capability of controlling the period of playing the recording for examining the calls as read on col. 1-2, lines 63-67, 1-11; and col. 5, lines 18-25); and screening the wireless call if the wireless call is determined to be received within the screening area (col. 1-2, lines 63-67, 1-11; col. 4, lines 31-51; col. 5, lines 18-25, the calls are examined by the system to verify if they originate from the same affected area as the first or previous call and in turn controlling the outgoing recorded message for a period of time as controlled by the PSAP as read on lines 18-25 of col. 5).

Boltz does not explicitly disclose "the" given screening period.

However, Boltz strongly suggests evaluating the calls made to the PSAP within a predetermined time (col. 1-2, lines 63-67, 1-11; col. 5, lines 22-29; col. 6, lines 26-36; col.4, lines 21-51).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Boltz with mechanisms to provide evaluation of the call if the call is originated from the same event area where the same incident has occurred and that is located within a given time period following an immediate previous call for the purpose of avoiding the clutching of usage resources and superfluous or redundant emergency calls. For instance, the operator would order screening of calls for a period of one hour and stop and re-state the screening for a different period as the calls coming from the predetermined area and determined time are not going to continue for days, as the calls are coming from the same event area would need to cease as the emergency event is taken care of.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al (hereinafter Stewart] (US Pat. No. 6259405).

Regarding claim 19, Stewart discloses performing an action on wireless calls, comprising: receiving a wireless call (col. 2, lines 50-67, the PDA sends a signal call indicating is presence within the access points, thereafter being identified with its PDA ID); determining whether the received wireless call falls within a class of wireless calls the class of wireless calls being one of location incentive offers, wireless based games, and wireless location based advertisements (col. 3, lines 1-57, the PDA is provided with location-based information to include several types of offers from advertisement providers); and performing a predetermined action on the received wireless call when the determining step determines that the received wireless call falls within the class of wireless calls (col. 3, lines 1-67; col. 4, lines 1-40, the action of providing product information is performed as the PDA is detected to be around the offer-location areas).

Regarding claim 20, Stewart discloses, establishing the class of wireless calls (col. 3, lines 22-57).

Regarding claim 21, Stewart discloses, wherein the action is screening the received wireless call (col. 2, lines 50-67, the signal from the PDA is determined to be near the area where the offers are located).

### ***Conclusion***

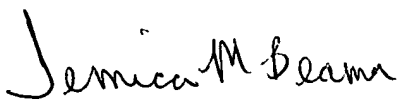
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julio Perez  
11/25/05

  
**TEMICA BEAMER**  
**PRIMARY EXAMINER**  
11/28/05